



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY:

John Lynders

Date:

July 21, 2004

MAIL STOP PETITION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Michael John Lynders *et al.*

Conf. No.: 2513

Group Art Unit: 3712

Appln. No.: 10/699,346

Examiner: Bena B. Miller

Filing Date: October 31, 2003

Attorney Docket No.: 4110-260U1

Title:

TOY VEHICLE WITH MOVABLE CHASSIS COMPONENTS

REQUEST TO WITHDRAW NOTICE OF ABANDONMENT

This communication is in response to a Notice of Abandonment mailed July 8, 2004 for failure to pay the Issue Fee in connection with the above-referenced application.

Please be advised that the Issue Fee was mailed to the United States Patent and Trademark Office on May 7, 2004. Copies of the Issue Fee Transmittal, check and postcard mailed on May 7, 2004 are enclosed herewith. This request is being submitted on the ground that the failure to respond was inadvertent and resulted from an error at the United States Post Office or at the United States Patent and Trademark Office. We just learned of the abandonment upon receiving a Notice of Abandonment (copy enclosed) on July 20, 2004.

In view of the above, it is respectfully requested that the Notice of Abandonment be withdrawn. Since the United States Patent and Trademark Office never received our check and it was never returned to us by mail, we are submitting a new check in the amount of \$1,660.00. It

is respectfully submitted that this application is now in condition for issuance and such action is respectfully requested.

Inasmuch as the Issue Fee was mailed in a timely manner, the Applicant does not believe any petition fee is due. However, should a fee be necessary, any fees/overpayments are authorized to be charged/credited to our firm's **Deposit Account No. 50-1017 (Billing No. 204110.0269)**. **One additional copy of this paper is enclosed for accounting purposes.**

Respectfully submitted,

MICHAEL JOHN LYNDERS ET AL.

21 July 2004
(Date)

By:


JOHN JAMIESON

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JJ/TMF

Enclosure(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

JUL 26 2004

PATENT & TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,346	10/31/2003	Michael John Lynders	4110-260U1 (403(1))	2513

570 7590 07/08/2004

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EXAMINER

MILLER, BENA B

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

JUL 20 2004



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

ICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10/699,346



EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

(6)